

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3136 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VIDURBHAI HIRABHAI DHANDHAR & ORS.

Versus

STATE OF GUJARAT

Appearance:

MR MS SHAH for Petitioners

MR HL JANI for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/05/97

C.A.V. JUDGEMENT

1. On 24th July, 1984, this Court has ordered, 'Rule. To be heard along with Special Civil Application No.2603/82.' The interim relief granted earlier was ordered to be continued. The interim relief in terms of Para No.13(d) has been granted, which reads as under:

Pending hearing and final disposal of this petition, the respondents may be restrained from

terminating the services of the petitioners for the period of monsoon in the year by issuing orders like Annexure A or any other orders, in any year.

So all the petitioners are in service. The petitioners were given the seasonal appointment and on completion of the season their appointments were terminated. Again they have given the appointment on start of the season. This procedure is going on for years together. So earlier to the grant of the stay order by this Court, the petitioners were working in the seasonal employment as a Class IV employees in the office of the respondent, District Inspector of Land Records, Amreli, and after interim relief of this Court they are working as a full period employees.

2. In the Special Civil Application, reference has been made that this petition is identical to the Special Civil Application No.2603/82 and Sp.C.A. No.3005/83. The Special Civil Application No.3005/83 has been disposed of on 30th January, 1997. The counsel for the parties are in agreement that this Special Civil Application may also be disposed of in the same terms as it has been ordered in the aforesaid Special Civil Application.

3. The services of the petitioners No.5, 7, 9 and 11 have been regularised who were similarly situated to the other petitioners, and on their behalf this petition has already been withdrawn. So it is a case where some of the similarly situated persons have been regularised. The case of the petitioners deserve to be considered if it has not been considered.

4. In view of this fact, the interest of justice will be met in case this Special Civil Application is disposed of with the direction to the respondent to consider the case of the petitioners No.1 to 4, 6 and 10 for their regularisation in service as it has been done in the case of other petitioners in this very Special Civil Application, whose names have been struck off, and on whose behalf the writ petition has already been withdrawn. This exercise is to be undertaken by the respondent within a period of three months from the date of receipt of certified copy of this order and in case, the petitioners cannot be made permanent in service then a reasoned order may be passed and copy of the same may be sent to the concerned petitioners by registered post. The interim relief which has been granted by this Court shall continue till this exercise is undertaken by the respondent. In case the petitioners are made permanent

in the employment then they shall be entitled for all the consequential benefits as has been given to the other petitioners whose names have been struck off. In case, the petitioners have already been adjudged unsuitable for employment or on consideration they are held to be not eligible for the employment, their services shall stand terminated without any order. However, it is made clear that in case the petitioners have already been considered for regularisation and if they have not been found fit for the same, their services or the services of any of the petitioners who was so held to be not eligible shall stand terminated immediately on receipt of the communication in this respect from the respondent. In case, this exercise is not undertaken and it is to be undertaken in pursuance of the direction of this Court as aforesaid, then the services of the petitioners or any of the petitioners, who has not been found eligible for regularisation shall stand terminated from the date on which the communication in this respect has been received from the respondent. Rule stands disposed of subject to the aforesaid directions.

zgs/-